

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JOSE Y. LOPEZ, PLACIDO
MANJARREZ, and PEDRO B. LOPEZ,

MEMORANDUM AND ORDER

Plaintiff,

14-cv-2057 (FB) (VMS)

-against-

PMMT INC., d/b/a/ Thai Café, and
THONGPANICH “DOE”,

Defendants.

-----X

Appearances:

For Plaintiff:

LUIGI BRANDIMARTE
MATHEW WILLIAM BECKWITH
Sacco & Fillas, LLP
31-19 Newtown Ave., 7th Floor
Astoria, NY 11102

BLOCK, Senior District Judge:

On August 25, 2016, Magistrate Judge Vera M. Scanlon issued a Report and Recommendation (“R&R”) recommending that plaintiff’s Motion for Default Judgment against defendant PMMT Inc., d/b/a Thai Cafe (“Thai Cafe”), be granted in part¹ and plaintiffs be awarded \$85,788.07 in damages, \$6,428.10 in attorneys’ fees and costs, and post-judgment interest. No objections have been filed to date, and Thai Cafe’s opportunity to object has passed.

¹ Judge Scalon recommended that plaintiffs’ motion for default judgment for defendants’ failure to pay spread-of-hours wages be denied because plaintiffs’ are not legally entitled to receive such wages.

Where there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court must conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review and enters default judgment against Thai Cafe.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 3, 2016